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| APPLICATION NO.        | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------|-------------|----------------------|---------------------|------------------|
| 10/685,165             | 10/14/2003  | Cynthia Schneider    | 54813.8006. US01    | 4272             |
| 34055                  | 7590        | 10/04/2004           | EXAMINER            |                  |
| PERKINS COIE LLP       |             |                      | SILBERMANN, JOANNE  |                  |
| POST OFFICE BOX 1208   |             |                      | ART UNIT            |                  |
| SEATTLE, WA 98111-1208 |             |                      | PAPER NUMBER        |                  |

3611

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |  |  |
|------------------------------|-------------------------------|--|--|
| <b>Office Action Summary</b> | Application No.<br>10/685,165 | Applicant(s)<br>SCHNEIDER, CYNTHIA <span style="float: right;">95</span> |  |
|                              | Examiner<br>Joanne Silbermann | Art Unit<br>3611   |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.  
     4a) Of the above claim(s) 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6 it is not clear if "a slip in the wall strip" is the same as "a slot in the wall strip" in claim 1, or if there are two slots.

In claim 8 "the front panel" and its front and rear surfaces do not have antecedent basis.

### ***Election/Restrictions***

3. Applicant's election with traverse of Group I in the reply filed on July 8, 2004 is acknowledged. The traversal is on the ground(s) that the embodiments can be examined together and no explanation of the restriction was given. This is not found persuasive because even though the embodiments may be searched together, they are mutually exclusive. No explanation was given because this is an election of species.

The requirement is still deemed proper and is therefore made FINAL.

4. Claim 7 stands withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on July 8, 2004.

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Applicant does not include claim 12 in the list of elected claims, however, the examiner has included it in Group I.

***Claim Objections***

5. Claims 4 and 6 are objected to because of the following informalities: it appears that the cover strip and the cover are the same thing. If so, only one term should be used. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6, 8, 9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kump et al. US #6,026,603.

8. Kump discloses a wall strip (Figure 3) including first and second spaced apart arms having a slot therebetween wherein the front surface of transparent envelope 10 has an upper edge that slides into the slot. The rear surface of the envelope is spaced apart from the upper edge of the front surface and does not contact the wall strip when the front surface is engaged into the slot. Fingers 60 hold a cover (or cover strip) on the wall strip. The top edge of the cover forms a tab for inserting into the fingers. The rear surface of the wall strip is flat.

9. As best as claim 8 can be understood, the front and rear surfaces of the envelope are biased together by U-bend, or elbow 26.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kump et al.

12. Kump does not specifically teach the cover dimensions as matching the wall strip. It would have been obvious to a person having ordinary skill in the art to make the cover this particular size since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. Also, it would have been an obvious matter of design choice to make the cover this particular size, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.


13. The front and rear surfaces of the envelope may be separated so that a display may be placed there between.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 703-308-2091. The examiner can normally be reached on Tues. - Thurs. 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Joanne Silbermann  
Primary Examiner  
Art Unit 3611

JS